



**TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on October 17, 2018**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:01 a.m., in Hearing Room G-2001 of 500 Deaderick Street, Nashville, Tennessee 37243.

Executive Committee Members Present:

Bob Lambert
Steve Raper
Kevin Tubberville, Chairman

TPUC Staff Present:

Aaron Conklin, Legal Advisor to the TPUC staff
Stacy Balthrop
Sharla Dillon
Ryan McGehee, Legal Advisor to the TUUDEB
Slayde Warren

Also Present:

Bill Turner, Tennessee 811

Roll Call & Minutes:

Sharla Dillon opened the meeting and took roll call that confirmed Chairman Kevin Tubberville, Bob Lambert and Steve Raper as present. The Committee considered the Minutes of the meeting of August 15, 2018. A motion to approve the minutes was approved unanimously.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB18-0049-

Alleged Violator: Bunch Construction

Alleged Excavator: Curtis Reed

Complainant: Etowah Utilities

Facility Type: Water

Equipment: Track Hoe

Root Cause: No notification made to One-Call prior to excavation.

Finding: In violation for failure to notify One-Call prior to excavation and Curtis Reed ordered to attend compliance training.

EB18-0049-

Mr. Lambert recused himself from this violation due to the fact that Mr. Lambert was the Superintendent in charge that filed this complaint. Mr. Conklin stated, due to Mr. Lambert's recusal, there will be two members voting on this motion, that motion carries 2-0.

EB18-0052-

Alleged Violator: Star Construction

Alleged Excavator: Unknown

Complainant: Clarksville Gas and Water

Facility Type: Water

Equipment: Directional Drill

Root Cause: Failure to use reasonable

Finding: No violation.

EB18-0072-

Alleged Violator: MDI Contracting

Alleged Excavator: Steve Smith

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Directional Drill

Root Cause: Failure to use reasonable care

Finding: No violation.

EB18-0076-

Alleged Violator: D&M Fencing

Alleged Excavator: Janet Galloway

Complainant: Property Owner

Facility Type: Unknown

Equipment: Unknown

Root Cause: Failure to notify One-Call prior to excavation.

Finding: Administratively closed.

EB18-0094-

Alleged Violator: Pine Enterprises
Alleged Excavator: Unknown
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to notify One-Call prior to excavation.
Finding: Third violation, civil penalty of \$1,250 to be paid and Mr. Greg Russell and Ms. Regina Stansberry ordered to attend compliance training.

EB018-0095-

Alleged Violator: Kosinski Properties
Alleged Excavator: Unknown
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to use reasonable care in the safety zone
Finding: Second violation, civil penalty of \$625 to be paid and Kevin Brown ordered to attend compliance training.

EB18-0098-

Alleged Violator: Volunteer Materials
Alleged Excavator: Kendell Allen
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to notify One-Call prior to excavation.
Finding: In violation for failure to notify One-Call prior to excavation and Kendell Allen ordered to attend compliance training.

EB18-0099-

Alleged Violator: Tennessee Contractors
Alleged Excavator: Jerry Keisling
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to use reasonable care in the safety zone
Finding: In violation for failure to use reasonable care in the safety zone and Jerry Keisling ordered to attend compliance training.

EB18-0100-

Alleged Violator: Johnson Contractors
Alleged Excavator: Unknown
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to use reasonable care
Finding: No violation.

EB18-0101-

Alleged Violator: Sam Marlow Trucking

Alleged Excavator: Mr. Sam Marlow

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: Failure to notify One-Call prior to excavation.

Finding: In violation for failure to notify One-Call prior to excavation and Sam Marlow ordered to attend compliance training.

EB18-0102-

Alleged Violator: Womble, LLC

Alleged Excavator: Brian Verhevl

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: Failure to notify One-Call prior to excavation

Finding: EB18-0102-In violation for failure to notify One-Call prior to excavation, second violation, civil penalty of \$625 to be paid and Brian Verhevl ordered to attend compliance training.

EB18- 0120-

Alleged Violator: Womble, LLC

Alleged Excavator: Brian Verhevl

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: Failure to notify One-Call prior to excavation.

Finding: EB18-0120-No violation.

EB18-0105-

Alleged Violator: Eutaw Construction

Alleged Excavator: Homer Crumback

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Motor Grader

Root Cause: Failure to use reasonable care

Finding: No violation.

EB18-0112-

Alleged Violator: Eutaw Construction

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: Failure to use reasonable care

Finding: No violation.

EB18-0107-

Alleged Violator: Olshan Foundation Solutions

Alleged Excavator: Tommy Forbes

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: Failure to use reasonable care in the safety zone

Finding: In violation for failure to use reasonable care in the safety zone and Tommy Forbes ordered to attend compliance training.

EB18-0109-

Alleged Violator: Begley Development, LLC

Alleged Excavator: Mr. Jeff Begley

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: No notification to One-Call prior to excavation.

Finding: In violation for failure to notify One-Call prior to excavation and Jeff Begley ordered to attend compliance training.

EB18-0111-

Alleged Violator: Roy Disney Communications

Alleged Excavator: Roy Disney

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: No notification to One-Call prior to excavation.

Finding: In violation for failure to notify One-Call prior to excavation and Roy Disney ordered to attend compliance training.

EB18-0117-

Alleged Violator: Summer & Taylor Construction

Alleged Excavator: Mr. Jordan Davis

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Mini excavator

Root Cause: Failure to use reasonable care in the safety zone

Finding: In violation for failure to use reasonable care in the safety zone, second violation, assess a civil penalty of \$625 to be paid by Jordan Davis and Ricky Davis and Jordan Davis and Ricky Davis ordered to attend compliance training.

EB18-0118-

Alleged Violator: Blalock Construction

Alleged Excavator: Darrell Sizelove

Complainant: Knoxville Utilities Board

Facility Type: Water

Equipment: Track Hoe

Root Cause: Failure to use reasonable care in the safety zone

Finding: In violation for failure to use reasonable care in the safety zone and Darrell Sizelove ordered to attend compliance training.

EB18-0119-

Alleged Violator: Chris Dudley
Alleged Excavator: Chris Dudley
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Excavating before the locate ticket was valid
Finding: In violation for excavation before the locate ticket was valid and Chris Dudley ordered to attend compliance training.

EB18-0124-

Alleged Violator: Jackson Jones Construction
Alleged Excavator: Unknown
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: No notification to One-Call prior to excavation
Finding: In violation for failure to notify One-Call prior to excavation, second violation, civil penalty of \$625 to be paid and Mr. Nathan Jackson ordered to attend compliance training.

EB18-0126-

Alleged Violator: Lamberth & Sons Plumbing Company
Alleged Excavator: Robert Key
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: No notification to One-Call prior to excavation
Finding: In violation for failure to notify One-Call prior to excavation and Robert Key and Freddy Lamberth ordered to attend compliance training.

EB18-0131-

Alleged Violator: ETN Excavate Tennessee
Alleged Excavator: Randy Padgett
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Track Hoe
Root Cause: No notification to One-Call prior to excavation
Finding: In violation for failure to notify One-Call prior to excavation and Randy Padgett ordered to attend compliance training.

EB18-0131-

Alleged Violator: ETN Excavate Tennessee
Alleged Excavator: Randy Padgett
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Track Hoe
Root Cause: No notification to One-Call prior to excavation

Finding: In violation for failure to notify One-Call prior to excavation and Randy Padgett ordered to attend compliance training.

EB18-0133-

Alleged Violator:

Alleged Excavator: Kevin Reed, property owner

Complainant: Property owner

Facility Type: Electricity

Equipment: Unknown

Root Cause: No notification to One-Call prior to excavation

Finding: No violation.

EB18-0140-

Alleged Violator: Elliot Electrical, LLC

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Auger

Root Cause: No notification to One-Call prior to excavation

Finding: In violation for failure to notify One-Call prior to excavation and Tim Phillips ordered to attend compliance training.

EB18-0142-

Alleged Violator: Nickell Company

Alleged Excavator: Arturo Velasco

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Skid loader

Root Cause: No notification to One-Call prior to excavation

Finding: In violation for failure to notify One-Call prior to excavation and Arturo Velasco ordered to attend compliance training.

EB18-0142-

Alleged Violator: Nickell Company

Alleged Excavator: Arturo Velasco

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Skid loader

Root Cause: No notification to One-Call prior to excavation

Finding: In violation for failure to notify One-Call prior to excavation and Arturo Velasco ordered to attend compliance training.

Presentation of Cost/Fee Request by Tennessee 811 for Training of Violators: No request at this time.

Mr. Turner reported since the beginning of fiscal year January 2018, twenty two (22) classes were conducted; eighteen (18) classes held at Tennessee 811, four (4) classes held at individual's location or their requested location, one hundred and three (103) individuals representing eighty-seven (87) organizations have completed the training. There are forty-

three (43) representing thirteen (13) organizations that TN 811 is aware of that have scheduled training.

Discussion of future topics for next executive committee meeting (Dillon) was referenced but none was stated.

Ms. Balthrop provided a staff update. The July –September 2018 quarterly report is on website for review. In September there were sixteen (16) complaints received, three (3) in October, Ms. Balthrop estimates approximately fifteen (15) complaints for the November meeting. Ms. Balthrop further stated the PHMSA audit is scheduled for November 5, 2018.

The Executive Committee meeting adjourned at 10:51 a.m.